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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,663	11/20/2003	Shinji Ohnishi	03500.017723.	7434
5514 7590 06/26/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
SHIBRU, HELEN				
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
06/26/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/716,663

Applicant(s)

OHNISHI, SHINJI

Examiner

HELEN SHIBRU

Art Unit

2621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,8,9,11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,8,9,11 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date 04/11/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/11/2008 has been entered.

Response to Amendment

2. The amendments, filed on 10/14/2007, have been entered and made of record. Claims 1-2, 4-5, 8-9, and 11-12 are pending and claims 3, 6-7, 10, and 13-14 are cancelled.

Response to Arguments

3. Applicant's arguments with respect to claims 1-2, 4-5, 8-9, and 11-12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1-2, 4, 8-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato (JP02000041218A) in view of Takao (US PG PUB 2006/0078296 A1) and further in view of Ito (US PG PUB 2004/0114911).

Regarding claim 1, Kato discloses a reproduction apparatus comprising:

a reproduction unit that reproduces digital video data from a storage medium (see paragraphs 0023-0024 and 0030, 0054 where it discloses reading out digital image data);

and a communication unit that generates a packet including additional data and the digital video data, and transfers the generated packet (see paragraphs 0027, 0042-0056); wherein the additional data includes both first data indicating a playing direction and second data indicating a playing speed (see paragraphs 0042, 0052).

Claim 1 further differs from Kato in that the claim further requires a communication unit that generates a packet including additional data but not including the digital video data if the digital video data is reproduced from the storage medium at a special speed.

In the same field of endeavor Takao discloses special playback is carried out with speed and direction (see paragraph 0139, 0148). Takao further discloses the generator eliminates most of the video data for carrying out a special playback (see paragraph 0288 and paragraph 0322). Therefore in light of the teaching in Kato it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kato by providing only an additional data in special playback in order to change the playback rate.

Claim 1 further differ from the above proposed combination in that the claim further requires the claim further requires a communication unit that generates a packet including additional data and the digital video data if the digital video data is reproduced from the storage medium at a normal speed.

In the same field of endeavor Ito discloses special reproduction information is added to the GOP (see paragraphs 0080, 0091). Ito further discloses special reproduction information is direction and speed (see paragraphs 0111-0112). Ito further discloses the kind of special reproduction, information on reproduction speed, or the like are stored as special reproduction information (see paragraphs 0115-0116 and claim 10). Therefore in light of the teaching in Ito it would have been obvious to modify the proposed combinations of Kato and Takao by inserting an additional information the in a digital video data in order to create transport stream for special reproduction.

Regarding claim 2, Kato discloses additional data also includes third data indicating whether the digital video data is being played (see paragraphs 0028, 0046, 0053, 0053).

Regarding 4, Kato discloses a conversion unit that converts the digital video data reproduced from the storage medium into a TS (transport stream) packet conformed to MPEG-2 (see paragraphs 0044 and 0056).

Claims 8-9 and 11 are rejected for the same reasons as discussed in claims 1-2 and 4 above.

6. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato (JP02000041218A) in view of Takao (US PG PUB 2006/0078296 A1) and further in view of Ito (US PG PUB 2004/0114911) and Official Notice.

Regarding claims 5 and 12, although Kato specifically fails to disclose CIP header confirmed to IEC 61883-1, Kato discloses IEC 13818-2 is applied. Official Notice is taken that the use of IEC 61883-1 is well known in the art to transmit a quantity of data on a regular basis under real-time conditions. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kato by utilizing IEC 61883-1 in order to provide data packet with time stamp.

Applicant requested prior art to support the Official Notice. The Examiner hereby would like to direct Applicant's attention to the IDS submitted on 04/11/2008 which support the Official Notice.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571)272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HELEN SHIBRU/
Examiner, Art Unit 2621
June 17, 2008

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621